

**TOWN OF SCITUATE**  
**ADVISORY COMMITTEE**



Report and Recommendations  
For  
**SPECIAL TOWN MEETING**

**NOVEMBER 13, 2014**

**7:00 P.M.**

**HIGH SCHOOL GYMNASIUM**

This Report is furnished for your information.  
Please bring it to all sessions of Special Town Meeting.

## **REPORT OF THE ADVISORY COMMITTEE**

### **To The Voters of Scituate:**

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its Report to the voters. This report contains the complete warrant for the Special Town Meeting, which will convene on November 13, 2014.

Our forum is an Open Town Meeting, which has been described as the purest form of democracy. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters.

This evening, the Board of Selectmen, and other town boards will propose various expenditures, funding transfers, zoning changes, and borrowing for capital improvements. In total, the 2014 Special Town Meeting places before the voters a total of **sixteen (16)** articles for your consideration.

We, the Advisory Committee, recommend on each; but only you will decide which articles pass, and which ones do not.

The Advisory Committee urges you to become an active meeting member. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

Respectfully submitted,

### **The Scituate Advisory Committee**

**Frank Judge, Chairman**  
**James Gilmore, Vice Chairman**  
**Anthony Antonello**  
**Geoffrey Burns**  
**Lincoln Heineman**  
**Bob Nelson**  
**Mark Sandham**  
**Mike Westort**

## **TOWN MEETING RULES AND DEFINITIONS**

1. The conduct of Scituate's Town Meeting is bound by state law, the Town's Charter and By-laws, local tradition and the publication entitled, "Town Meeting Time".
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made. The Moderator will call for a motion on each article and, if no motion is made after the second call, the Moderator will "pass over" the article and move on to the next Article. In order to bring back a "passed over" article for a motion and discussion, there must be an approved "motion for reconsideration".
6. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
7. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order," which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of order are not to address the subject matter being discussed.
8. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling the vote.
9. The Moderator may set time limits on all presentations and may terminate debate on a motion when deemed appropriate. Debate on a motion may also be terminated by a voter "moving the question" which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to "move the question" requires a 2/3 vote for passage.

10. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.

11. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.

12. A motion may be reconsidered once for a compelling reason by a 2/3 vote. No further reconsideration will be permitted. There may be no reconsideration of a vote at a subsequent session of the Town Meeting.

13. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. A resolution must be related to the content of an article. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall for those attending.

14. When justice or order requires, the Moderator may make exceptions to these rules, in his or her discretion, as is deemed appropriate under the circumstances.

## SPECIAL TOWN MEETING NOVEMBER 13, 2014

### ARTICLE 1. Reports from Town Boards and Committees

To see if the Town will vote to hear or act upon any reports from town officers or committees, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article is procedural in nature providing an official opportunity for Scituate Town Boards to provide an oral report to Town Meeting participants as desired.

**Recommendation:** It is not necessary for the Advisory Committee to take a position in recommending approval of this article.

### ARTICLE 2. Fiscal Year 2013 and 2014 Unpaid Bills

To see if the Town will vote to transfer the sum of \$923.71, or a greater or lesser sum, for the purpose of paying Fiscal Year 2014 and 2013 unpaid bills, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The purpose of this article is to fund \$923.71 in unpaid bills. Sprint/Nextel is from FY 13 and American Dry Goods & Eagle Flag are for FY14.

<u>VENDOR</u>	<u>DEPT</u>	<u>AMOUNT</u>	<u>COMMENT</u>
Sprint/Nextel	Unpaid Bills Account	\$301.24	Disputed Amount
American Dry Goods	Widow's Walk	\$470.79	Late Receipt
Eagle Flag	DPW-Public Grounds	\$151.68	Late Receipt

These shortfalls will be funded from a transfer of funds in each departments FY15 budget line item.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 3. Fiscal Year 2015 Budget Balancing**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$104,000.00, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2015 budget pursuant to Article 6 of the April 14, 2014 Annual Town Meeting warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article seeks to rebalance departmental operating budget line items that are housekeeping in nature as a result of budgetary changes since our April annual town meeting. They are all part of the town budget under Article 6 of the annual town meeting warrant and we are transferring interdepartmentally for most of them.

<u>Department</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Waste Water Treatment	Personal Services Sewer	Technical Services	\$70,000.00
Town Accountant	Non-Contributory Ret	Town Accountant Exp.	\$ 6,300.00
Town Clerk	Non-Contributory Ret	Town Clerk Expense	\$ 7,200.00
Board of Health	Personal Services	Technical Services	\$ 7,500.00
Library	Capital Outlay	Library Expense	\$13,000.00

Waste Water Treatment Plant Transfers \$70,000. This amount is necessitated as a result of a vacancy in the position of Sewer Superintendent that is currently being filled by contracted services of Weston and Sampson. Funds will be transferred from Personal Services Sewer into Technical Services.

Employee Mileage- \$6,300. The Town’s reimbursement rate for work related employee mileage was historically low and in 2013 was changed in union contracts to .03 below the IRS mileage rate. This caused a change from .40 to .53 cents per mile. As these changes were negotiated after the close of the FY 15 budget, increased costs in departmental line items was not captured. For ease of Accounting, the attendant increased appropriation will be handled through the Town Accountant’s Office. It will be reflected accordingly in FY 16 budgets.

Town Clerk Expense - \$7,200. This amount is necessitated as a result of increased elections for the filing of the vacant Selectmen’s seat and costs for the December 3<sup>rd</sup> Special Town Meeting. While costs were minimized pairing the town election with the state election, a number of additional requirements had to be met (e.g. separate election workers, ballot costs). Other costs include election machine programming, postage for absentee ballots and custodial services along with sound.

Board of Health Expense - \$7,500. The new Board of Health Director is not yet certified as a Soil Evaluator and the Town has been contracting this service until she has received her certification.

Library Expense- \$13,000. Library utility costs allocated for FY 15 contained a budgetary error. An additional appropriation may need to be added at the spring Special Town meeting.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

#### ARTICLE 4. Cash Match for FEMA Grant

To see if the Town will vote to appropriate from available sums in the Treasury the sum of \$66,238.00 or a greater or lesser sum, for the purpose of paying the Town's required 25% cash match portion of funds to be received from the Federal Emergency Management Agency (FEMA) for roadway repair work associated with Hurricane Sandy on Glades Road, Oceanside Avenue, and Central Avenue, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** Several coastal roads in town, and the town-owned beach parking lot at the intersection of Turner and Jericho Roads were damaged by 2012's Hurricane Sandy. The cost of repairing part of this infrastructure has been estimated at \$264,949.00. The amount of \$264,949.00 represents only a portion of the total amount requested by the town. Additional funding is to be expected. After it inspected the damaged roads and parking lot, the Federal Emergency Management Agency (FEMA) approved a grant to fund \$198,711.08 (75%) of the repair costs provided the town, as a condition of receiving the grant, fund the remaining \$66,237.02 (25%). In addition to the beach parking lot, the affected roads to be repaired are Central Avenue in Humarock; Glades Road in Minot; and Jericho Road, Oceanside Drive, and Rebecca Road in Sand Hills and Cedar Point. If this article is approved, repair work is scheduled to begin next spring.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

#### ARTICLE 5. ESCO Energy Rebates

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$98,000.00, or a greater or lesser sum, for the purpose of fully funding the boiler replacement at Town Hall and for the purchase of two hybrid vehicles as part of the Town's receipt of funds from the Executive Office of Environmental Affairs, Green Communities Program, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** To date, this year the Town received \$130,800 in Energy Rebates for improved efficiencies as part of the \$5.9M Energy Services Contract (ESCO) approved at the April 2012 Annual Town meeting. This article would transfer the proceeds from these rebates to fund the replacement of the boiler at Town Hall. This transfer of **\$28,000 will fully fund the boiler replacement work.**

The second recommended use of the rebates is for the purchase of two hybrid vehicles to replace one fleet vehicle at Town Hall and provide another. In exchange for a 2013 Green Communities grant that will provide the Town with 2 electric charging stations, the Town is responsible for purchasing hybrid/electric vehicles. The Water Departments purchased the first vehicle earlier this year for the meter reader. **The cost is \$70,000 (2 @ \$35,000 each) to provide two more vehicles.**

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Advisory voted (6-1) in approval of this article.

## ARTICLE 6. Pay down of Landfill Debt

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$410,000.00, or a greater or lesser sum, for the purpose of retiring the debt for the cap on the landfill and construction of the bulky waste handling area located on the Driftway, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The town currently allocates \$100,000 annually from the General Fund toward the principal and interest payments on bonds that were issued in 2005 to fund the capping of the town's on-site landfill and construction of the transfer station as we know it today. The bonds were issued with a 20-year maturity, but allow for the issuer to "call" the bonds after 10 years. This presents the town with some choices with respect to the bonds: 1) do not call the bonds, and continue to pay down the debt over the next 10 years, 2) call the bonds and re-finance them at today's lower interest rates, or 3) call the bonds and pay off the existing balance on the debt. Given the stability of the town's finances, and the potential for significant bond issuance from the town in the near future related to major projects, this article proposes calling the bonds and retiring the debt; transferring \$403,000 from Free Cash to do so. This would be seen as good financial housekeeping by the bond rating agencies if/when we go to the market with future bond issuance, as it will reduce the town's debt service load. It will also free up \$100,000 in the town's General Fund each year, as this amount would no longer be required for annual debt service for landfill debt.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

## ARTICLE 7. Allocation to Capital Stabilization

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$400,000.00, or a greater or less sum, into the Capital Stabilization Fund, for the purpose of allocating reserves for future capital and/or debt service, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** Created in November of 2012, the Town's Capital Stabilization Fund allows the Town to allocate funds into this account to offset future debt or reserve cash for large ticket capital items so when they come due the entire cost does not cause an undue burden on the capital plan that year. Because our Free Cash position remained strong this year, it makes good sense to allocate some of these funds into Capital Stabilization. This also helps maintain our good standing with the ratings agencies. Free Cash is not used to subsidize our operating budget but is used for one-time expenses. FY 15 Free Cash was certified at \$2,701,923 (FY 14 Free Cash was \$2,813,553). \$400,000 is recommended as being a prudent amount that will not impact capital plan allocations for FY 16 or any unforeseen circumstances that might arise for the remainder of FY 15.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 8. Bond Rescissions**

To see if the Town will vote to rescind the balances of the loans authorized and un-issued totaling \$786,578.00, pursuant to the following articles and town meeting approvals or take any other action relative thereto.

<b>Project Description</b>	<b>Authorization</b>	<b>Amount</b>
Highway Improvement - Ch 90 Temporary	Art 4A, ATM 04/2009	\$423,149
Sewer Extension	Art 4C, ATM 04/2009	\$311,000
Sewer Extension - Rosa's Lane	Art 4, STM 11/2009	\$27,429
Transfer Station Loader	Art 4E, ATM 04/2009	\$25,000
		\$786,578

*Sponsored by: Board of Selectmen*

**Comments:** This is a housekeeping article. When previously approved capital and other projects are completed, and result in a surplus balance, the Town should rescind the remaining authorization. This approach is consistent with similar actions taken in the past, and strongly supports the town’s prudent financial policies. In addition, this helps our overall debt assessment, since rating agencies (e.g. S&P, Moody’s) evaluate “authorized” debt in total, regardless of whether or not it will be bonded.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 9. Acceptance of MGL Chapter 41, Section 41B**

To see if the Town will vote to accept Massachusetts General Laws Chapter 41, 41B relative to direct deposit of employee paychecks, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** For the last few years the town has been paying employees by direct deposit. In reviewing appropriate statutory authorizations for various employee pay practices it was determined that the Town had not formally accepted the statute for direct deposit of employee paychecks. This article will rectify the oversight.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 10. Relinquishment of Easement – Crosbie Property**

To see if the Town will authorize the Board of Selectmen to execute and deliver a release of easements to the Appleton Field, so-called, described in a deed from William L. Litchfield to Elise W. Carter dated October 26, 1914, recorded with the Plymouth County Registry of Deeds in Book 1192, Page 519, and shown as dotted lines on Land Court Plan No. 5122A filed with said Registry and/or in any relocated location on the subject property; or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This is a housekeeping item associated with the Town’s acquisition of the Crosbie property funded by the Community Preservation Committee.

The Purchase and Sale Agreement with the landowner provided that an easement across abutting property would not be part of the transfer and would be extinguished. The Annual Town Meeting vote did not include this aspect of the transaction. A town meeting vote is a prerequisite for the Board of Selectmen to extinguish the easement and conclude the transaction.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 11. Land Conveyance – 169 Jericho Road**

To see if the Town will authorize the Board of Selectmen to exchange a portion of Town-owned land at 169 Jericho Road for an adjacent parcel at said location owned by William J. Donlon, Trustee of the 169 Jericho Road Realty Trust or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article is a non-monetary article with the purpose of rescinding the exchange of parcels of property that was made at Scituate Town Meeting in 1946.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 12. Clapp Road Exchange**

To see if the Town will authorize the Board of Selectmen to (1) convey a portion of Town owned land located on Chief Justice Cushing Highway; (2) accept as compensation for such conveyance another parcel located off of Clapp Road or some other parcel; and (3) file legislation, as may be necessary to authorize such exchange including the release of restrictions on the use of the Town owned land or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article would swap 1.2 acres of town-owned land on Route 3A near the Town Forest on the west side of the Ellis Estate, with interior land located off Clapp Road, Booth Hill Road and Route 3A. Jack Livingstone (property owner) and his partner Steve Callahan of Global Development are proposing to build 200 apartment rental units on approximately 22 acres. This would be a 40B project. They would like to have access onto Route 3A. In exchange, the Town would obtain 16 acres of land off Clapp Road that could potentially be used in the future for athletic fields. This piece connects with other town-owned land and the developer has also agreed to provide a conservation restriction (CR) on 11 other acres that are currently held with a private CR. In total, the Town would be gaining approximately 27 acres. The project will still go forward if the land swap is not approved by town meeting. The 16 acres being proposed to the Town had been previously reserved for an additional 60 units after the first 200 unit were completed. Because this land is in conservation it will need to go through an Article 97 process which requires the developer to replicate the land that is being taken out, have town meeting approval, legislative approval and be approved by the Executive Office of Environmental Affairs.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** 6 votes in Favor, 1 vote Opposed of this article.

#### **ARTICLE 13. General Bylaw Change: Date of Second Night of Second Evening of Town Meeting**

To see if the Town will vote to amend its General Bylaws, Section 20140, “Time of Meeting” by striking the first paragraph: “The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on succeeding Monday and Wednesdays, legal holidays excepted” and replace it with:

“The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on any other day that is in the best interest of the business of the Town whenever the needs of the Town require” or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The amendment proposed in this article would give the town greater flexibility in scheduling the second date of multi-night town meetings. As currently written, the town bylaws require that subsequent sessions of town meeting be held on "**succeeding Monday and Wednesdays, legal holidays excepted**", creating the potential for a gap of 10 days or more in the event of a Monday holiday on the week following the initial session. Many community bylaws specify multiple-night town meetings; however, they do not delay an entire week before a second session is held—the subsequent meetings require a second meeting in the same week. The proposed language would give town officials the greatest flexibility in scheduling the second session of multi-night town meetings, which ultimately is in the best interest of all town meeting participants.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

## **ARTICLE 14. General Bylaw Change: Posting Requirement for Special Town Meeting**

To see if the Town will vote to amend its General Bylaws, Section 20110: “Manner of Calling the Meeting” by striking the word “fifteen” in the first sentence, third line and inserting the word and “**fourteen**” and in Section 20140: “Time of Meeting” by striking the word “fifteen” in the second paragraph, last sentence, and inserting the word “**fourteen**” or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article seeks to amend a portion of the town’s General Bylaws, under Section 20110 and Section 20140. Specifically, it would change the current “fifteen” day requirement to “fourteen”.

The General Bylaws (in their entirety) currently state:

### Section 20110- Manner of Calling the Meeting

*Notice of Town Meetings shall be given by posting an attested copy of the warrant, calling the same, in the Post Office and at the Town Hall, at least seven (7) days before the day appointed for an Annual Town Meeting, and fifteen days at least before the day appointed for a Special Town Meeting, and by publication in a newspaper, if any be published in the Town.*

### Section 20140 – Time of Meeting

*The Annual Town Meeting shall be held on the second Monday in April, and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on succeeding Mondays and Wednesdays, legal holidays excepted. (Change approved by Annual Town Meeting, Article 32, March 29, 2008)*

*The Selectmen may, in their discretion, call a special town meeting to be held on any Monday or any other day that is in the best interest of the business of the Town whenever the needs of the Town require (change approved by Special Town Meeting Nov. 8, 2010) and shall call a special town meeting, upon the request of two hundred registered voters, in writing and on a form approved by the Secretary of the Commonwealth; such meeting to be held not later than forty-five days following their receipt of any such petition at a regular business meeting. The warrant shall include all subjects requested in the aforesaid petitions. No special town meeting shall be called earlier than fifteen days following the service or publication of the warrant thereof.*

*Any session of any annual or special town meeting shall, unless the meeting otherwise directs by a two-thirds vote, be adjourned at the conclusion of action on any article under consideration at 11:00 P.M.*

*The annual election of officers shall be held on the sixth Saturday following the Monday on which the annual Town Meeting is to convene under this bylaw. (Change approved by Annual Town Meeting April 11, 2011).*

*The Annual Report of the Town Officers and the Advisory Committee Report and Recommendations shall be printed and distributed at least fifteen days before the Town Meeting.*

The state statute for posting of a special town meeting warrant is fourteen (14) days. Making this change would make our Bylaw consistent with the state statute, as well as resolve some of the scheduling challenges the town has faced when setting the special town meeting date. For instance, during recent town meetings, the 15<sup>th</sup> day has occurred on a week-end thus moving out the posting time longer than 15 days, and shortening the time frame necessary for town meeting preparation. Recently, this posed a challenge with attempting to set the date for the upcoming December 3 special town meeting. The article would simply change “15” to “14.”

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 15. Acceptance of Loan/Grant for Seawall Repair – Oceanside Drive**

To see if the Town will vote to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, a sum of money in the form of a low interest loan from the Commonwealth’s Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, to fund the replacement of a portion of Oceanside Avenue, approximately 760 linear feet, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article would authorize the town to borrow \$2,000,000 from the state’s recently established Dam and Seawall Repair or Removal Fund, to be accompanied by a \$2,000,000 outright grant from the state, for a total of \$4,000,000 in new seawall repair funding. The \$2 million in borrowing would be at 2% interest for a 20-year term. The Dam and Seawall Repair or Removal Fund was created as a result of recently passed legislation filed by Representative Jim Cantwell. If approved, the \$4 million in funding would be designated to completely replace approximately 760 feet of privately-owned seawall separating homes on Oceanside Drive in Sand Hills from the ocean. The affected properties are approximately between numbers 94 and 124 Oceanside Drive, between Third and Sixth Avenues. The new seawall will be constructed largely on private property, in exchange for which the owners will be required to grant an easement to the town over any land they own, from between 10 feet inland of the new wall to the water’s edge.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (7-0) vote in approval of this article.

**ARTICLE 16. Sale of Scituate Harbor Community Building (BY PETITION)**

To mandate that the Town of Scituate, by its Board of Selectmen, will take any and all appropriate steps or actions needed to sell, in an open market, the property known at “Pier 44” located at 44 Jericho Road, Scituate, Massachusetts. It shall be sold for its fair market value as defined by the Superior Court of the Commonwealth of Massachusetts and as reported by two independent, qualified, and licensed real estate appraisers, neither of which appraisers have performed any work for the Town of Scituate, or take any other action relative thereto.

(BY PETITION)

*Sponsored by: Petitioners*

**Comments:** This article “mandates” that the Town sell the Scituate Harbor Community Building (SHCB). This building was acquired in 2011 with \$1.8 million in funds provided by the MBTA at Town meeting. The petitioners believe the town will benefit from the proceeds of the sale as well as the increase in tax base. The majority of the board felt the petition article did not provide enough answers. Such questions as, What is the expected value, does a portion or all of the MBTA funds need to be returned, what type of covenant can be placed on the sale to prevent an oversize condo project, what is the anticipated tax roll increase? Without the answers to most of these questions, the majority believes for now, the SHCB is better suited in its current capacity.

The SHCB held over 575 events year to date. These include 354 Recreation Programs (every Monday-Thursday evening through December), 178 Council on Aging meetings, 11 private rentals including two weddings, and dozens of meetings ranging from FACTS Coalition, boating classes, public meetings, CRS meeting, Sustainable Scituate meetings and children events such as St. Patrick's Parade Kids event and community forums.

At the October 7 Board of Selectmen meeting the subject of potentially relocating the Public Library there for 14 months during its new construction was also discussed. Many residents are unaware of the extent and value this town property provides to citizens and the building was acquired at no cost to taxpayers.

The two Advisory Members in support of the article are in agreement with the petitioners that the proceeds and increased tax base outweigh the current or future use of the building.

**Recommendation:** The Advisory Committee does not recommend approval of this article.

**Advisory Committee Vote:** Majority (2-5) opposed to this article.